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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/542,693

07/19/2005

Beat Luginbuhl

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EXAMINER

CULLER, JILL E

ART UNIT

PAPER NUMBER

2854

MAIL DATE

DELIVERY MODE

06/14/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/542,693	Applicant(s) LUGINBUHL, BEAT	
	Examiner Jill E. Culler	Art Unit 2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 July 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20050719</u> .  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,537,127 to Fadner et al.

With respect to claim 1, Fadner et al. teaches an inking roller, 12, for an inking system, comprising: a ink-transferring surface with circumferential flutes distributed over the ink-transfer surface and longitudinal flutes intersecting the circumferential flutes and elevated surface areas as webs between the circumferential and longitudinal flutes. See column 6, lines 36-48 and Figs. 2-4 in particular.

With respect to claim 8, Fadner et al. teaches an inking system, comprising: a printing form cylinder or plate cylinder, 20; a rubber blanket cylinder, 25; an inking and dampening system with an ink duct, 10, a ductor roller, 11, a doctor blade bar, 13, engaged with the ductor roller and a film or fluted roller, 12; other ink transfer rollers between the film or fluted roller; a mating cylinder, 26, the rubber blanket cylinder forming a printing gap, in which a web, 21, passing through is printed on, on one side or on both sides, the film or fluted roller comprising a ink-transferring surface with circumferential flutes distributed over the ink-transfer surface and, longitudinal flutes

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intersecting the circumferential flutes and elevated surface areas as disposed between the circumferential and longitudinal flutes. See column 6, lines 23-61 and Figs. 1-4.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-4 and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fadner et al.

With respect to claims 2-3 and 9-10, although Fadner et al. does not explicitly teach the claimed web dimensions, one having ordinary skill in the art would recognize that the optimal dimensions of the web would vary depending upon the required application and therefore could best be determined through routine experimentation.

With respect to claims 4 and 11, although Fadner et al. does not explicitly teach the claimed shape and slope angle of the flutes, one having ordinary skill in the art would recognize that the optimal shape of the flutes would vary depending upon the required application and therefore could best be determined through routine experimentation.

5. Claims 5-6 and 12-13 rejected under 35 U.S.C. 103(a) as being unpatentable over Fadner et al. in view of DE 3932694 to Yuichi et al.

With respect to claims 5 and 12, Fadner et al. teaches all that is claimed, as in the above rejection of claims 1 and 8, except that each of the circumferential flutes runs back into itself.

Yuichi et al. teaches an inking roller wherein each of the circumferential flutes runs back into itself. See Fig. 6.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the inking roller of Fadner et al. to have flutes that run back into themselves, as taught by Yuichi et al. as Yuichi et al. teaches this is an advantageous design.

With respect to claims 6 and 13, Fadner et al. teaches all that is claimed, as in the above rejection of claims 1 and 8, except that each of the circumferential flutes has a continuously curved course.

Yuichi et al. teaches an inking roller wherein each of the circumferential flutes has a continuously curved course. See Fig. 1.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the inking roller of Fadner et al. to have flutes in a continuously curved course, as taught by Yuichi et al. as Yuichi et al. teaches this is an advantageous design.

6. Claims 7 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fadner et al. in view of U.S. Patent No. 5,016,530 to Palmatier.

Fadner et al. teaches all that is claimed, as in the above rejection of claims 1 and 8, except that the circumferential flutes extend in a wave-shaped pattern with an amplitude of preferably between 3 mm and 50 mm.

Palmatier teaches an inking roller having circumferential flutes extending in a wave-shaped pattern. See column 2, lines 28-44 and Figs. 2-3.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the apparatus of Fadner to have flutes in a wave-shaped pattern, as taught by Palmatier, as Palmatier teaches this is an advantageous design. Although Fadner et al. and Palmatier do not explicitly teach the amplitude of the pattern, one having ordinary skill in the art would recognize that the optimal amplitude of the flute pattern would vary depending upon the required application and therefore could best be determined through routine experimentation.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent No. 3,613,575 to Kantor, U.S. Patent No. 3,690,254 to Karl-Heinz et al., U.S. Patent No. 4,287,827 to Warner, U.S. Patent No. 4,567,827 to Fadner, U.S. Patent No. 4,819,558 to Counard and U.S. Patent No. 6,701,839 to Levy each teach an apparatus having apparent similarities to the claimed subject matter.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jill E. Culler whose telephone number is (571) 272-2159. The examiner can normally be reached on M-F 10:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

jec

*Jill E. Culler*  
Patent Examiner